

Remarks

The following remarks are responsive to the Office Action dated April 3, 2008, which was made Final.

At the time of the Office Action, claims 1-11 were pending, and remain pending after this Response. Claims 1-2 and 5-8 were rejected under 35 U.S.C. §103(a) as obvious over Hatakeyama (U.S. Patent No. 7,095,437) in view of Barber et al. (U.S. Patent No. 7,209,648), and further in view of Sakamoto (U.S. Patent No. 6,373,904). In addition, claims 3-4 were rejected under 35 U.S.C. §103(a) as obvious over Hatakeyama and Barber et al., in view of Sakamoto, and further in view of Schriefer (U.S. Patent Application Publication No. 2004/0023520). Claims 9-11 were rejected under 35 U.S.C. §103(a) as obvious over Hatakeyama and Barber et al., and further in view of Sakamoto and further in view of Kim (U.S. Patent Application Publication No. 2003/0070103). These rejections are respectfully traversed.

In particular, Applicants again respectfully submit that one skilled in the art would not have found it obvious to consider unrelated/nonanalogous set-top box and smart card technology as taught by Sakamoto pertinent to the concerns in the design of a camera as taught by Hatakeyama, absent knowledge of the invention, viewed in hindsight. Furthermore, concerning dependent claims 9-11, Applicants submit that the newly cited Kim reference fails to teach or suggest operations of applying the power periodically to a USB drive port of the camera main body according to a particular timing and monitoring the USB drive port to detect a voltage at the USB drive port in response to the periodic power application to determine whether the USB drive is coupled to the USB drive port as explicitly recited in these claims. Rather, at best, Kim teaches that the power being supplied to the USB devices is monitored to determine whether the USB devices are using the power. In other words, Kim does not “apply the power periodically” and then “monitor the USB drive port ... in response to the periodic power application.”

The rejections will now be addressed.

Concerning the 35 U.S.C. §103(a) rejection of claims 1-2 and 5-8 based on Hatakeyama, Barber and Sakamoto, as admitted by the Examiner, Hatakeyama fails to teach or suggest the use of a USB drive. Nevertheless, for this feature, the Examiner relies on the teachings of Barber. In addition, the Examiner admits that Hatakeyama fails to teach or

suggest the operation of cutting off power to the USB drive when data transmission is completed. For this feature, the Examiner relies on the teachings of Sakamoto.

As discussed in the Remarks of the previous Amendment, Applicants respectfully submit that one skilled in the art would clearly have appreciated that a camera and a set-top box have drastically different functionalities, structure, designs, components and parts. Because of the differences between a set-top box and a camera, one skilled in the art would not have looked to a set-top box when evaluating features to be used in a camera. On pages 3-4 of the final Office Action, the Examiner states that one skilled in the art would have recognized the advantages of cutting off power to a storage device, such as that used in the Hatakeyama apparatus, after transmitting data to the storage device to conserve power.

However, Applicants respectfully submit that the power on and off features taught by Hatakeyama relate to suspending the power being supplied to the memory card when the memory card is being detached to “protect[s] the memory card and data therein, and reduce[s] the waste of power in the camera while the memory card is detached from the camera.” (Abstract of Hatakeyama, lines 9-11). In other words, Hatakeyama is concerned with preventing damage to the memory card during removal, which can occur if power is being supplied to the card during removal, and conserving power being supplied to the camera when the memory card is removed, because the camera cannot be used properly when the memory card has been removed. There is no teaching or suggestion of discontinuing power to the memory card when the camera is in use, nor is there any teaching or suggestion that applying power to the memory card when the camera is in use wastes power to any significant degree which would require attention. On the contrary, one skilled in the art may have understood from the teachings of Hatakeyama that, for example, it is desirable to maintain power to the memory card when the camera is in use to avoid a rapid powering up of the memory card when a picture is taken so that the picture can be stored on the memory card. In any event, one skilled in the art would not have understood from the teachings of Hatakeyama that it is preferable or even desirable to discontinue power to the memory card after storing data on the memory card.

Sakamoto, on the other hand, describes a set-top box and power conservation operations, which can include turning off a power supply for a smart card 117. Applicants respectfully submit that nowhere does Sakamoto disclose that the set-top box technology can be used in a camera, or in any devices other than a set-top box. Furthermore, Applicants submit that one skilled in the art would have appreciated that a smart card and its use in a set-

top box differs from the use of a memory card in a camera. For instance, powering down a smart card during non-use may have little consequence as opposed to powering down a memory card in a camera during non-use (e.g., a picture may not be stored and hence lost if the memory card is not powered up in time when the picture is taken). Accordingly, Applicants respectfully submit that the Examiner is using knowledge of the invention, in hindsight, to reach a finding of obviousness. However, it is well settled that such a “hindsight reconstruction” is impermissible. *See, e.g., W.L. Gore & Assoc. v. Garlock, Inc., 721 F.2d 1540, 1550, 220 USPQ 303, 311 (Fed.Cir.1983).*

For at least these reasons, as well as those set forth in the Remarks of the previous Amendment, Applicants respectfully submit that all claims are allowable over this combination of references.

Concerning the rejection of dependent claims 3 and 4 based on Hatakeyama, Barber, Sakamoto and Schriefer, Applicants again respectfully submit that Schriefer fails to make up for the deficiencies in the teachings of Hatakeyama, Barber and Sakamoto to have rendered obvious the embodiments of the present invention even as recited in the independent claims. Hence, all claims should be allowable over this combination of references.

With regard to the rejection of claims 9-11 based on Hatakeyama, Barber, Sakamoto and Kim, Applicants respectfully submit that Kim fails to make up for the deficiencies in the teachings of Hatakeyama, Barber and Sakamoto to have rendered obvious the embodiments of the present invention even as recited in the independent claims. Furthermore, with regard to the features recited in claims 9-11 specifically, Applicants submit that Kim does not “apply the power periodically” and then “monitor the USB drive port ... in response to the periodic power application.”

Rather, Kim describes a power supply controlling apparatus of a device connected to a serial bus. To begin, Applicants respectfully submit that the teaching of Kim relate to a USB hub for use with, for example, a personal computer, and not to a digital camera. Hence, Applicants submit that one skilled in the art would not have looked to a USB hub when evaluating features to be used in a camera. Furthermore, Applicants respectfully submit that the passages specifically relied upon by the Examiner (i.e., paragraphs 0026-0030, 0040 and 0041) teach that a signal detecting unit 220 and control signal generator 230, as shown in Figs. 2 and 3, are used to monitor whether a USB device is using power or not. (See, in particular, paragraph 0041). In other words, in the Kim apparatus, power is being supplied to

the USB devices, and the use or non-use of such power is being monitored, that is, “the control signal generator 230 keeps checking whether there is an input maintained LOW longer than 2 msec among the signals S1 from the signal detecting unit 220.” (paragraph 0029). On the contrary, in the embodiments of the present invention as recited in claims 9-11, the power itself is supplied periodically and the USB drive port is monitored to detect a voltage at the USB drive port in response to the periodic power application to determine whether the USB drive is coupled to the USB drive port.

For at least these reasons, Applicants submit that all claims should be allowable over this combination of references.

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned.

Respectfully submitted,

/brian c. rupp/

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